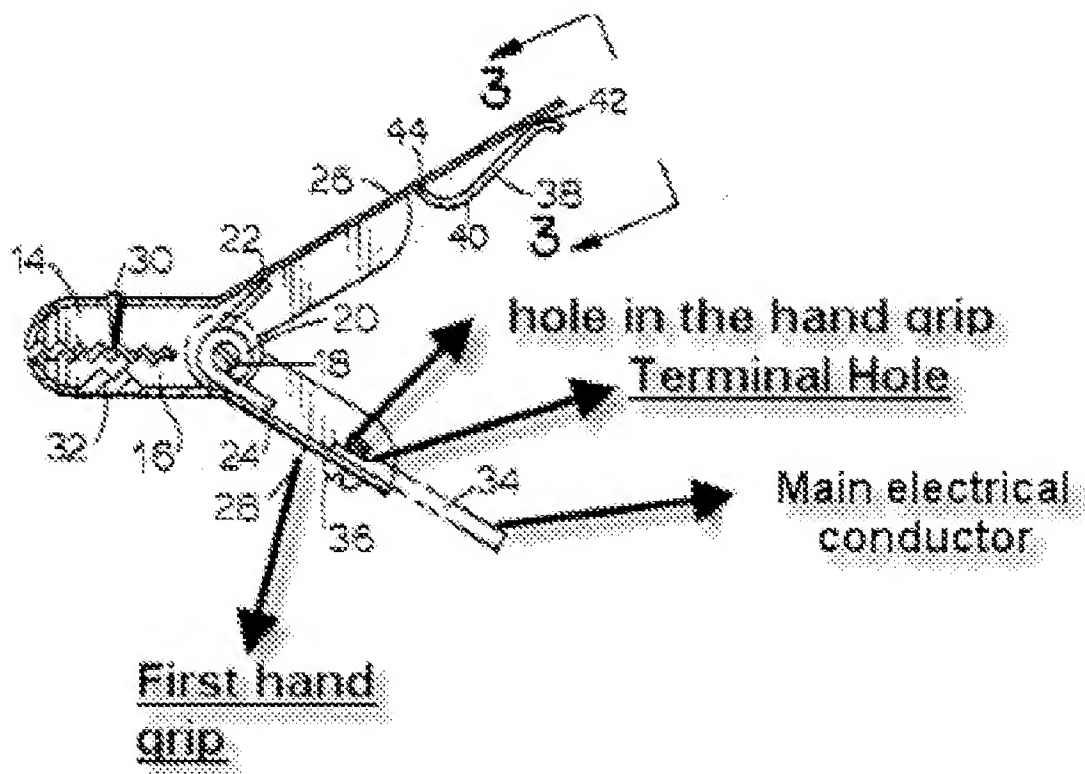


REMARKS

This Amendment is in response to the Final Office Action dated July 1, 2008. In the Final Office Action, claims 1, 3, 6-18 and 21-22 were rejected. With this Amendment, claims 1, 3, 6-18 and 21-22 are canceled and new claims 24-42 are presented for examination. Reconsideration and allowance of pending claims 24-42 are respectfully requested.

Current references cited include Admitted Prior Art (APA), Polizzano (U.S. 4,057,313), Johnson (U.S. 4,969,834), Moenkhaus et al. (U.S. 6,500,025), Kowalski et al. (U.S. 5,772,468), Vonderhaar et al. (U.S. 6,469,511), Yoshikawa et al. (U.S. 4,983,086), Hatrock (U.S. 4,983,086) and Cheng et al. (U.S. 6,796,841). The Examiner finds that the APA includes a cable and Kelvin conductor for injecting a forcing function into the battery and measuring a voltage across the battery. However, the Examiner states that the APA does not disclose explicitly, “the first hand grip having a first hole formed therein and a terminal electrically coupled to the main electrical conductor having a terminal hole formed therein aligned with the first hole in the first hand grip and a removable fastener which couples the terminal to the first hand grip through the first hole and the terminal hole whereby the first hand grip can be disconnected from the main electrical conductor.”

The Examiner points to Polizzano, using figure 2 reproduced by the Examiner below.



However, the Examiner states that neither the APA nor Polizzano disclose “the apparatus including a first electrical plug electrically coupled to the clamp through first and second wire connectors of the clamp and a second electrical plug electrically coupled to the first and the second electrical conductors of the cable, the first and second plugs configured to removably electrically couple together.”

The Examiner points to Johnson, using figure 8 reproduced by the Examiner below.

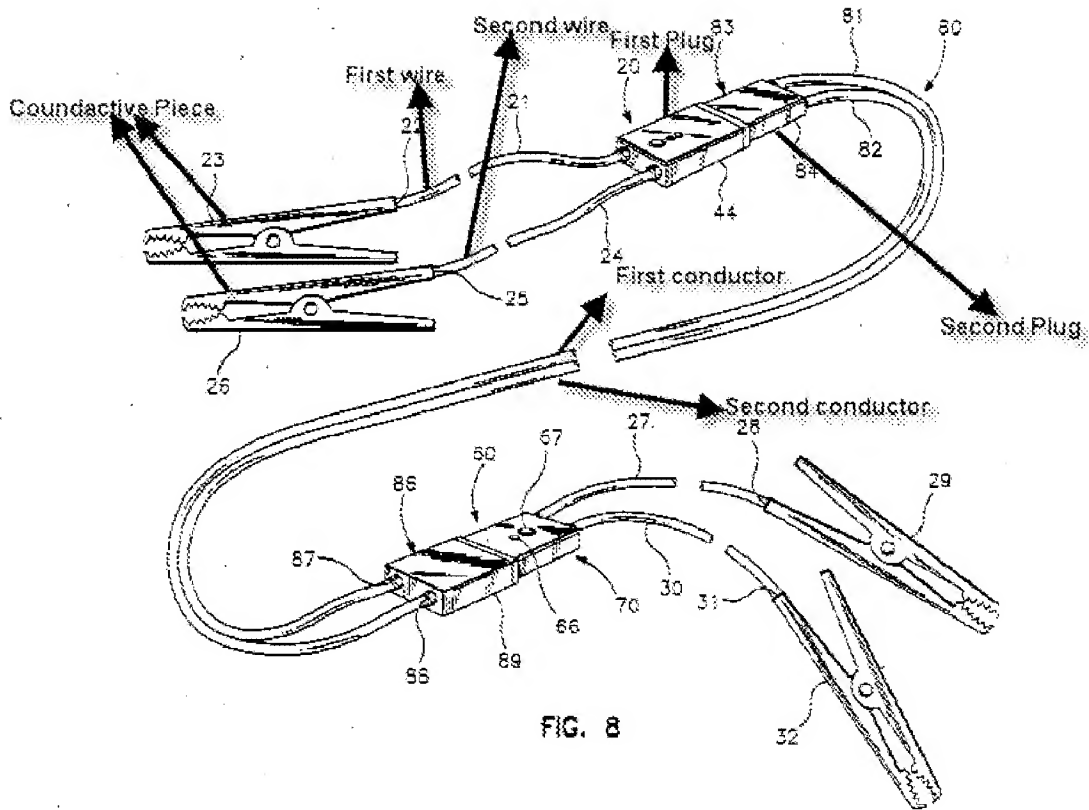
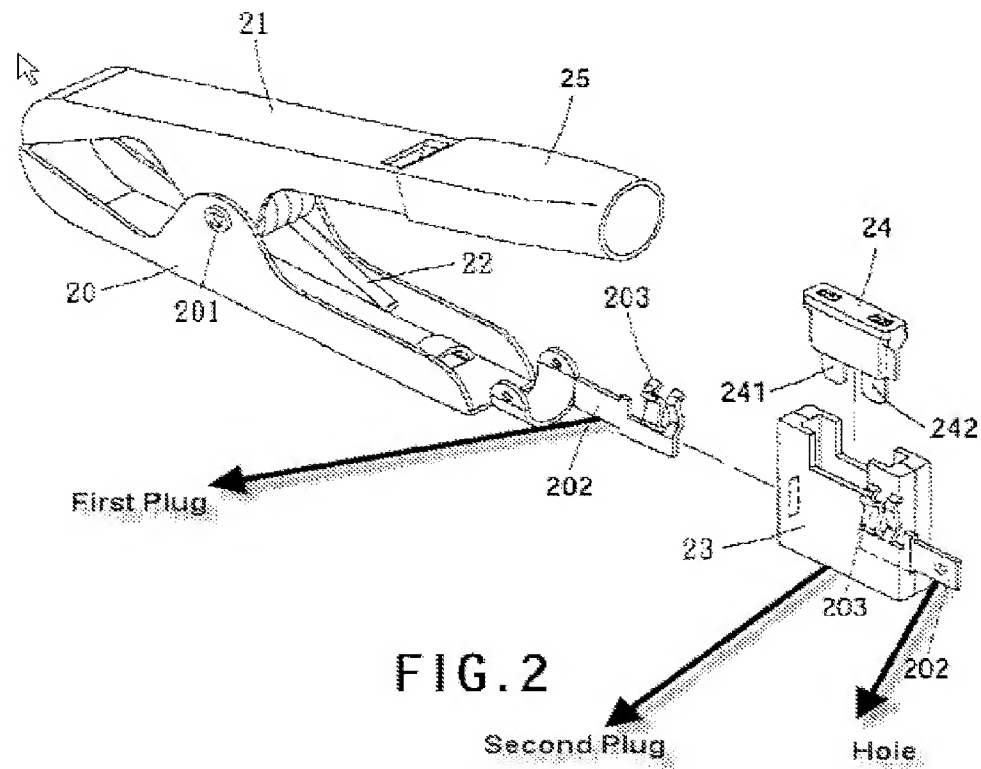


FIG. 8

However, Johnson does not disclose explicitly, the connection means is a plug.

The Examiner points to FIG. 6 of Moenkhaus et al. to disclose that a plug can be used as a cable connection means. However, the Examiner states that the APA, Polizzano, Johnson and Moenkhaus et al. do not explicitly disclose the first electrical plug and the second electrical plug being housed in the first hand grip when electrically coupled together. The Examiner points to *In re Japikse*, 86 USPQ 70 by stating "it would have been obvious to one of ordinary skill in the art at the time of the invention was made to move the connection of the plugs from the current location to a different location such as in the hand grip, since it has been held that rearranging parts of an invention involves only routine skill in the art."

In the alternative, the Examiner also points to figure 2 of Cheng et al. reproduced by the Examiner below.



The Examiner states that “the first and second electrical plug removably electrically couple together and are housed in the first hand grip (noted that the above figure shows that all components are located in the handle).”

In making a case for obviousness, the Office has the burden of substantiating evidence to show the requisite motivation exists for the skilled artisan to combine and/or modify the cited references to arrive at the claimed invention. In assessing whether a case has been made, the obviousness rejection must be evaluated in view of the factual inquiries outlined in *Graham v. John Deere*, 148 USPQ 149 (1966):

- (A) Ascertain the scope and content of the prior art;
- (B) Ascertain the differences between the claimed invention and the prior art; and
- (C) Resolve the level of ordinary skill in the pertinent art.

It is respectfully submitted that differences between the claimed invention and the cited references still exist and therefore there are no clearly articulated reasons to support a legal conclusion of obviousness for new independent claims 24, 31 and 39.

The Examiner attempts to correlate a jumper cable apparatus 10 and an extension cable 80 with the claimed first and second electrical plugs. In figure 8 of Johnson, a jumper cable apparatus 10 has a first clamp 23 and a second clamp 26 for attaching to one of a low battery or a fully charged battery. A third clamp 29 and a fourth clamp 32 are for attaching to the other of the low battery or the fully charged battery to provide a way of jumping the low battery using the fully charged battery. Coupled to each clamp is a single charging cable. For example, charging cable 22 is coupled to first clamp 23 and charging cable 24 is coupled to second clamp 26. Charging cable 22 and charging cable 24 are connected to a housing 44. Extension cable 80 includes a pair of charging cables 81 and 82, a housing 84 at one end of charging cables 81 and 82 and a housing 89 at the other end of charging cables 81 and 82. Housing 84 can be connected to housing 44 and housing 89 can be connected to the housing coupled to third and fourth clamp 29 and 32. In this way, a low charged battery can be located a longer distance from a fully charged battery for jumping.

The Examiner asserts that housing 44 is comparable to the claimed first electrical plug and housing 84 is comparable to the claimed second electrical plug. However, it is respectfully submitted that first charging cable 22 and second charging cable 24 are not a first set of Kelvin conductors as claimed in claims 24, 31 and 39. First, cable 22 connects to a first clamp and cable 24 connects to a second clamp. As claimed, the first set of Kelvin conductors are included in a single replaceable clamp. Second, the first set of Kelvin conductors are not charging cables. Third, housing 44 is not positioned in a first hand grip of a single replaceable clamp. In addition, it is respectfully submitted that charging cables 81 and 82 are not a second set of Kelvin

conductors. Furthermore, housing 44 and housing 84 are not removably electrically coupled together in the first hand grip of a single replaceable battery.

The Examiner used *In re Japikse* and Cheng et al to show that it would have been obvious to put the electrical plugs into the hand grips of a clamp. In regards to Cheng et al., figure 5 reproduced by the Applicant, which the unexploded view of figure 2 reproduced by the Examiner above, is shown below.

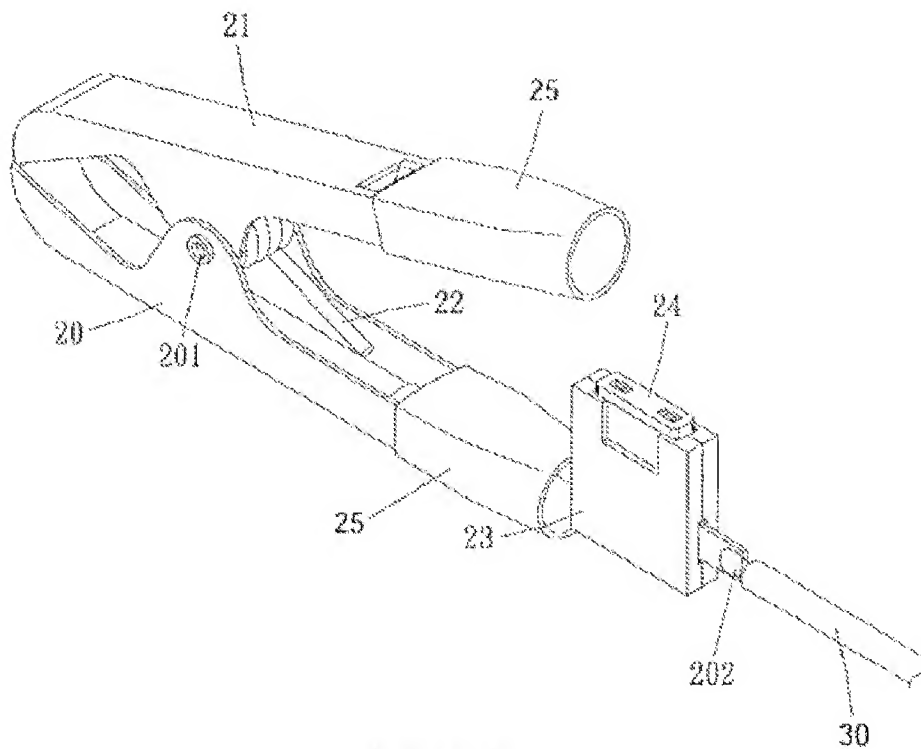


FIG. 5

In this figure, lug 202 and fuse housing 23 are not positioned in a hand grip of a clamp. They are actually positioned externally to the clamp. In regards to *In re Japikse*, the Examiner has improperly applied case law. In the *Japikse* case, it was found that a rearrangement of parts that does not affect the operation of a device was deemed obvious. By putting housing 44 and

housing 84 into a hand grip of a clamp would render the jumper cable apparatus 10 of Johnson inoperable. It is respectfully submitted that it would be impossible to couple a charging cable that connects to a second clamp. In addition, when applying *In re Japikse*, the Examiner must provide motivation why one skilled in the art would make the modification without relying on the Applicant's specification. The Examiner has provided no motivation.

It is respectfully believed that all pending claims 24-42 are in condition for allowance. Favorable action is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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